

Notice of Allowability

Application No.

10/660,881

Examiner

Thanh Tammy Nguyen

Applicant(s)

CHACK, MICHAEL A.

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 8, 2008.
2. ☒ The allowed claim(s) is/are 1, 4-5, 8-9, and 12-15 (New Claims 1-9).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/23/09</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

/THANH TAMMY NGUYEN/
Primary Examiner, Art Unit 2444



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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. James A. Scheer (reg.29,434) on January 23, 2009.

3. The applicant has been amended as follow:

1. (Currently Amended) A method of queuing request to access to a server having software with a set number of available licenses, the method comprising: receiving requests for access to the software on the server from a plurality of simultaneous remote users; allowing access to the software on the server to some of the plurality of simultaneous remote users such that the number of remote users allowed access does not exceed the set number of available licenses; sending a message to any remote user denied access, the message indicating that an access is not possible and that the user denied access will be notified when access is

available placing remote users denied access in a queue;
sending an alert to a queued remote ~~users as licenses become~~ user in the queue
when a license becomes available, the alert indicating that access is available; and
determining whether the queued remote user has responded to the alert;
allowing access to the software on the server to the queued remote users only after the
queued remote user responds to the alert; placing the queued remote users denied access
back in the queue if the queued remote user does not respond to the alert, to allow the
queued remote users an additional opportunity to respond when an additional license
becomes available; wherein each of the queued remote users is allowed only a
predetermined number of additional opportunities to respond to the alert before
terminating the request for access.

2. (Cancelled).
3. (Cancelled).
4. (Original) The method of claim 1, wherein the remote users in the queue are prioritized based on when the requests are received.
5. (Currently Amended) A server comprising:

a receiver to receive requests for access to a software on the server from a plurality of simultaneous remote users, the software having a set number of available licenses;

a processor to allow access to the software on the server to some of the plurality of simultaneous remote users such that the number of remote users allowed access does not exceed the set number of available licenses, to generate and send a message to any remote users denied access, the message indicating that an access is not possible and that

the user denied access will be notified when access is available, and to place remote users denied access in a queue;

a transmitter to send an alert to a queued_remote ~~users as licenses become user in the~~ queue when a license becomes available, the alert indicating that access is available;

wherein the processor determines whether the queued remote user has responded to the alert, and allows access to the software to the queued remote users only after the queued remote users respond to the alert; wherein the processor places the remote users denied access back in the queue if the queued remote user does not respond to the alert to allow the queued remote user an additional opportunity to respond when an additional license becomes available; and comprising a counter to count a predetermined number of returns to the queue wherein each of the queued remote users is allowed only the predetermined number of additional opportunities to respond to the alert before terminating the request for access.

6. (Cancelled).

7. (Cancelled).

8. (Original) The server of claim 5, wherein the remote users in the queue are prioritized based on when the requests are received.

9. (Currently Amended) A computer-readable storage medium having stored thereon data representing instructions that, when executed by a processor of a server, cause the processor to perform operations comprising:
receiving requests for access to software on the server from a plurality of simultaneous remote users, the software having a set number of available licenses;

allowing access to the software on the server to some of the plurality of simultaneous remote users such that the number of remote users allowed access does not exceed the set number of available licenses;

sending a message to any remote users denied access, the message indicating that an access is not possible and that the user denied access will be notified when access is available. placing the remainder of the plurality of remote users in a queue;

sending an alert to a queued remote user in the queue when a license becomes as licenses become available, the alert indicating that access is available; and determining whether the queued remote user has responded to the alert; allowing access to the software on the server to the queued remote users only after the queued remote users respond to the alert; wherein the instructions further cause the processor to place the remote users denied access back in the queue if the queued remote user does not respond to the alert, to allow the queued remote user an additional opportunity to respond when an additional license becomes available; and wherein each of the queued remote users is allowed only a predetermined number of additional opportunities to respond to the alert before terminating the request for access.

10. (Cancelled).

11. (Cancelled).

12. (Original) The computer-readable medium of claim 9, wherein the remote users in the queue are prioritized based on when the requests are received.

13. (Previously Presented) The server of claim 5 wherein one or more ports are reserved exclusively for receiving requests from remote users.

14. (Previously Presented) The server of claim 5 wherein the queued remote user must respond within a predetermined time period.
15. (Previously Presented) The server of claim 5 wherein information about the remote users is stored by the server, the server terminates contact with the queued remote user, and uses the information to contact the remote users as licenses become available.

4. With respect to claims 1, 4-5, 8-9, and 12-15, the prior art of record, individually or in combination, fails to teach, suggest or render obvious the claimed invention in combination with the specific amended limitations as recited in claims 1, 5 and 9.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272- 3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***William Vaughn*** can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

Art Unit: 2144

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh Tammy Nguyen/

Primary Examiner, Art Unit 2444